

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/FLN)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

PRISCILLA RICHEY,

Civil Action No.: 17-CV-05323-JNE-DTS

Plaintiff,

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**DECLARATION OF SAMANTHA RODRIGUEZ IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Priscilla Richey in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1621] filed on December 6, 2018.
3. Ms. Richey contacted Kennedy Hodges, LLP in November of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Ms. Richey's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on December 1, 2017 to comply with a possible statute of limitations deadline identified by counsel.
6. Counsel was informed in April 2018 that Ms. Richey had passed away.
7. A suggestion of death was filed July 3, 2018.
8. This Court ordered Plaintiff file a motion for substitution by November 17, 2018.
9. Phone calls have been made and letters have been sent by staff at Kennedy Hodges in attempt to reach Ms. Richey's heirs to obtain the information necessary to file a Motion for Substitution.
10. As we have been unable to obtain the information to necessary to file a Motion for Substitution, we have not been able to comply with PTO 23(b).

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

December 13, 2018

/s/Samantha Rodriguez  
Samantha Rodriguez